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8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 PETITION TO AMEND RULE 11.3,
11 ARIZONA RULES OF CRIMINAL
12 PROCEDURE

Supreme Court No. R-10-0026

**Comment of the State Bar of
Arizona on Petition to Amend
Rule 11.3, Arizona Rules of
Criminal Procedure**

13
14 The State Bar of Arizona supports this petition. Petitioner moved to amend
15 Rule 11.3, Ariz. R. Crim. P., to conform with House Bill 2471 (which amends
16 A.R.S. §§ 8-291.02 and 13-4505). The existing statutes require the court to appoint
17 at least two mental health experts to perform a competency evaluation of a juvenile
18 in a delinquency, incorrigibility or criminal proceeding or of an adult defendant in a
19 criminal case, and requires that at least one expert be a psychiatrist licensed
20 pursuant to A.R.S. Title 32, Chapter 13 or 17. HB 2471 amends these statutes to
21 remove the requirement that at least one of the mental health experts be a licensed
22 psychiatrist; however, the new amendments still permit the court to appoint a
23 psychiatrist upon motion of either party or by the court *sua sponte*. The
24 amendments also permit the State and the defendant to stipulate to the appointment
25 of only one expert if the stipulation is approved by the court.
26

1 Conclusion

2 The State Bar of Arizona supports this petition, as the proposed amendment
3 will render the competency determination process more efficient. Where a licensed
4 psychiatrist is necessary, the proposed amendment provides for the appointment of
5 same. For these and the other reasons discussed above, the State Bar of Arizona
6 supports the petition and requests that the Court adopt the rule change on a
7 permanent basis.

8 RESPECTFULLY SUBMITTED this 3rd day of May, 2011.

9
10 
11 John A. Furlong
12 General Counsel

13 Electronic copy filed with the Clerk
14 of the Supreme Court of Arizona
15 this 3rd day of May, 2011,

16
17 By: Kathleen A. Lundgren

18 A copy was mailed to:
19 David K. Byers, Director
20 Administrative Office of the Courts
21 1501 West Washington Street, Suite 411
Phoenix, Arizona 85007

22 this 3rd day of May, 2011,

23
24 By: Kathleen A. Lundgren
25
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